

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 2201 – SB 2469

April 5, 2016

SUMMARY OF ORIGINAL BILL: Creates the “Right to Earn a Living Act”. Requires any entry regulation required by a state or local agency for a business, profession, or occupation, and any law, ordinance, regulation, rule, policy, fee, condition, test, permit, or other administrative practice, to be limited to those necessary and tailored to fulfill legitimate public health, safety, or welfare objectives.

Requires state and local agencies to conduct a comprehensive review of all entry regulations within the jurisdiction of the agency by July 1, 2017, and every July 1 thereafter. Requires the agency to repeal or modify the entry regulation, if it does not meet the requirements of this bill.

Authorizes any person to petition an agency to repeal or modify an entry regulation or a public service restriction within its jurisdiction. Requires the agency to respond to the appeal within 90 days. Authorizes the person to file an action in a court of general jurisdiction.

Preempts all inconsistent rules, regulations, codes, ordinances, or other laws adopted by a county, city, town, or other political subdivision.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures – Exceeds \$100,000

Increase Local Expenditures – Exceeds \$100,000*

SUMMARY OF AMENDMENT (015503): Deletes and rewrites the bill such that the substantive changes are as follows:

Deletes the requirement that each state agency conduct an annual comprehensive review and replaces it with a requirement for each licensing authority to submit a copy of each entry regulation promulgated or adopted by such authority to the Government Operations Committees of the General Assembly no later than December 31, 2016. Requires these Committees to issue a joint report regarding any findings and recommendations to the General Assembly no later than January 1, 2018. After such date, requires each licensing authority to submit a copy of any entry regulation promulgated after the previous submission. Exempts certain regulatory boards, commissions, councils, and committees from these requirements.

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Requires the Government Operations Committees of the Senate and the House of Representatives to review such regulations and make recommendations regarding such regulations. Authorizes the Committees to recommend that such regulations be amended or repealed by the agency. The Committees may recommend to the General Assembly that any regulatory authority failing to comply with a recommendation be suspended.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

NOT SIGNIFICANT

Assumptions for the bill as amended:

- State licensing authorities will assist the standing Committees within existing resources without a significant increase in state expenditures.
- The required review and report will be completed by the research analysts for the Government Operations Committees. Any fiscal impact incurred to complete the review of information submitted by agencies and issue the report will be not significant.
- Any impact on the court system for actions brought against government agencies can be handled within existing resources.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista M. Lee, Executive Director

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